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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 190**

**The Foods for Specific Groups (Scotland) Regulations 2016**

**Citation, commencement and extent** **S**

1.—(1) These Regulations may be cited as the Foods for Specific Groups (Scotland) Regulations 2016 and come into force on 20th July 2016.

(2) These Regulations extend to Scotland only.

**Commencement Information**

**II** [Reg. 1](#) in force at 20.7.2016, see [reg. 1\(1\)](#)

**Interpretation** **S**

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

[<sup>F1</sup>“the Delegated Regulation” means Commission Delegated Regulation (EU) 2016/128 supplementing Regulation (EU) 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for food for special medical purposes]

“food authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994<sup>(1)</sup>;

“the EU Regulation” means Regulation (EU) No 609/2013 of the European Parliament and of the Council, on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council [Directive 92/52/EEC](#), Commission Directives [96/8/EC](#), [1999/21/EC](#), [2006/125/EC](#) and [2006/141/EC](#), [Directive 2009/39/EC](#) of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009; and

[<sup>F2</sup>“specified requirement”] means any provision of the EU Regulation [<sup>F3</sup>or the Delegated Regulation] specified in column 1 of schedule 1 as read with the provisions specified in the corresponding entry in column 2.

(2) Unless the context otherwise requires any reference in these Regulations to an Article is a reference to an Article of the EU Regulation [<sup>F4</sup>or the Delegated Regulation, as the case may be].

[<sup>F5</sup>(3) Expressions defined in Article 2 of the EU Regulation have the same meaning in these Regulations as they have in that Regulation.]

(4) Any reference to Article 2 [<sup>F6</sup>of the EU Regulation] or a provision of the EU Regulation [<sup>F7</sup>or the Delegated Regulation, as the case may be] specified in schedule 1 is a reference to that provision as amended from time to time.

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(1) [1994 c 39](#). Section 2 was amended by the Environment Act [1995 \(c.25\)](#), schedule 22, paragraph 232(1).

#### Textual Amendments

- F1** Words in [reg. 2\(1\)](#) inserted (22.2.2019) by [The Foods for Specific Groups \(Medical Foods\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/392\)](#), regs. 1(1), [4\(2\)\(a\)\(i\)](#)
- F2** Words in [reg. 2\(1\)](#) substituted (31.12.2020) by [The Food and Feed \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/372\)](#), regs. 1(2)(b), [4\(2\)](#)
- F3** Words in [reg. 2\(1\)](#) inserted (22.2.2019) by [The Foods for Specific Groups \(Medical Foods\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/392\)](#), regs. 1(1), [4\(2\)\(a\)\(ii\)](#)
- F4** Words in [reg. 2\(2\)](#) inserted (22.2.2019) by [The Foods for Specific Groups \(Medical Foods\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/392\)](#), regs. 1(1), [4\(2\)\(b\)](#)
- F5** [Reg. 2\(3\)](#) substituted (22.2.2019) by [The Foods for Specific Groups \(Medical Foods\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/392\)](#), regs. 1(1), [4\(2\)\(c\)](#)
- F6** Words in [reg. 2\(4\)](#) inserted (22.2.2019) by [The Foods for Specific Groups \(Medical Foods\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/392\)](#), regs. 1(1), [4\(2\)\(d\)\(i\)](#)
- F7** Words in [reg. 2\(4\)](#) inserted (22.2.2019) by [The Foods for Specific Groups \(Medical Foods\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/392\)](#), regs. 1(1), [4\(2\)\(d\)\(ii\)](#)

#### Commencement Information

- I2** [Reg. 2](#) in force at 20.7.2016, see [reg. 1\(1\)](#)

### Enforcement **S**

3. Each food authority must execute and enforce these Regulations within its area.

#### Commencement Information

- I3** [Reg. 3](#) in force at 20.7.2016, see [reg. 1\(1\)](#)

### Offences and penalties **S**

4.—(1) [<sup>F8</sup>Subject to regulation 4A, a person] is guilty of an offence if they fail to comply with any [<sup>F9</sup>specified requirement].

(2) A person guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### Textual Amendments

- F8** Words in [reg. 4\(1\)](#) substituted (22.2.2020) by [The Foods for Specific Groups \(Medical Foods for Infants\) and Addition of Vitamins, Minerals and Other Substances \(Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/7\)](#), [reg. 1](#), [sch. 1 para. 1\(2\)](#)
- F9** Words in [reg. 4\(1\)](#) substituted (31.12.2020) by [The Food and Feed \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/372\)](#), regs. 1(2)(b), [4\(3\)](#)

#### Commencement Information

- I4** [Reg. 4](#) in force at 20.7.2016, see [reg. 1\(1\)](#)

## [<sup>F10</sup>Transitional Provision **S**

**4A.** A person is not guilty of an offence under regulation 4(1) if they continue to market food for special medical purposes which does not comply with a provision of the Delegated Regulation specified in schedule 1, provided that—

- (a) it complies with the requirements of the EU Regulation specified in schedule 1,
- (b) it was placed on the market or labelled—
  - (i) before 22 February 2019, or
  - (ii) before 22 February 2020 in the case of food for special medical purposes developed to satisfy the nutritional requirements of infants, and
- (c) the requirements specified in regulation 3 of the Foods for Special Medical Purposes (Scotland) Regulations 2000 are met.]

### Textual Amendments

**F10** Reg. 4A inserted (22.2.2020) by The Foods for Specific Groups (Medical Foods for Infants) and Addition of Vitamins, Minerals and Other Substances (Scotland) Amendment Regulations 2020 (S.S.I. 2020/7), reg. 1, sch. 1 para. 1(3)

## Application of provisions of the Act **S**

**5.** The provisions of the Act specified in column 1 of the table in schedule 2 apply, with the modifications specified in column 2 of that table, for the purposes of these Regulations.

### Commencement Information

**I5** Reg. 5 in force at 20.7.2016, see reg. 1(1)

## Amendment of the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997 **S**

**6.—(1)** The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997(2) are amended in accordance with paragraph (2).

(2) For the definition of “relevant food” in regulation 1(2) substitute—

““relevant food” means specially formulated food intended for use in energy-restricted diets for weight reduction, being food which complies with the compositional requirements in schedule 1 and which, when used as instructed by the manufacturer, replaces the whole of the total daily diet.”.

### Commencement Information

**I6** Reg. 6 in force at 20.7.2016, see reg. 1(1)

(2) S.I. 1997/2182, to which there are amendments not relevant to this instrument.

## Revocations **S**

7.—(1) Regulations 26 and 27 of the Infant Formula and Follow-on Formula (Scotland) Regulations 2007<sup>(3)</sup> are revoked.

(2) The Notification of Marketing of Food for Particular Nutritional Uses (Scotland) Regulations 2007<sup>(4)</sup> are revoked.

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### Commencement Information

**I7** [Reg. 7](#) in force at 20.7.2016, see [reg. 1\(1\)](#)

St Andrew's House,  
Edinburgh

*AILEEN CAMPBELL*  
Authorised to sign by the Scottish Ministers

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<sup>(3)</sup> S.S.I. 2007/549.  
<sup>(4)</sup> S.S.I. 2007/37.

**Changes to legislation:**

There are currently no known outstanding effects for the The Foods for Specific Groups (Scotland) Regulations 2016.